WA
N576ab
1885

NEW YORK (STATE) LAWS, STATUTES, ETC.

AN ACT

WA N567ab 1885

0021143

NLM 05130700 3

NATIONAL LIBRARY OF MEDICINE

NATIONAL LIBRARY OF MEDICINE
Health, Education, and Welfare, Public Health Service
Bethesda, Md.
U.S. Department of

New York (State) Laws ...

WA
N576 26
1885
v.1

FILM No. 2881, No. 2

AN ACT

For the preservation of the public health, and the registration of vital statistics.

[Chapter 270. Passed May 12, 1885; three-fifths being present.]

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the common council, upon the nomination of the mayor of every city in this State, except in the cities of New York, Buffalo, Albany and Yonkers and Brooklyn, which are hereby excepted from the operation of this act, to appoint a board of health for such city, to consist of six persons who are not members of said council (one of whom, at least, shall be a competent physician), who shall be nominated and appointed as follows: two persons for a term of one year; two persons for a term of two years; and two persons for a term of three years. The mayor of such city shall be a member *ex-officio* of such board of health, and shall be president thereof. The said board of health, when duly organized, shall appoint a competent physician (not a member of such board), who shall be health officer for such city. Upon the expiration of the term of office of any member of the board of health, appointed as herein provided, his successor shall be nominated and appointed in like manner for the term of three years; and the said mayor and common council shall also have power to fill any vacancy caused in such board of health by the death, resignation or removal from the city of any member thereof. And it shall be the duty of the trustees of every incorporated village in this State to appoint, once in each year, a board of health of such village, to consist of not less than three nor more than seven persons (who are not village trustees), who shall hold office for one year, or until their successors shall have been appointed. The said board of health thus constituted shall elect a president, and appoint a competent physician (not a member of such board) to be the health officer of such village. This section shall not be construed to remove any of the existing boards of health in any of the cities or villages of this State, but the successors of such boards shall be appointed as in this section provided.

Constitution of City Boards of Health.

Health Boards of villages.

§ 2. It shall be the duty of the supervisor, the justices of the peace and the town clerk in each town in this State, to meet in their respective towns within thirty days from the date of the town election in each year and elect a citizen of such town of full age, who with them shall constitute the board of health for such town for one year or until their successors are chosen. The said board of health shall appoint some competent physician, not a member of said board, to be the health officer for such town. If in any case a vacancy shall occur in the board of health of any city, village or town, by the death, resignation, inability to act or removal from said

Membership and organization of town Boards of Health.

city, village or town of any member thereof, and if the proper authorities, by inability, neglect or refusal, fail to fill such vacancy, it shall be the duty of the county judge of the county in which such city, village or town is situated, upon being satisfied that such vacancy should be filled without delay, to appoint in writing a competent person to fill such vacancy for the unexpired term. The written appointment to a board of health made by a county judge under this section shall forthwith be filed in the office of the clerk of the county in which said board of health is located. Notice of the membership and organization of all boards of health in this State and of all changes that may from time to time occur therein shall be given forthwith to the State Board of Health.

Temporary vacancies how filled.

§ 3. The several boards of health now organized in any city, village or town in this State (except in the cities of New York, Brooklyn and Buffalo), and the several boards of health constituted under this act shall have power and it shall be their duty :

Powers and duties of Health Boards.

1. To meet at stated intervals in their respective cities, villages and towns; also, whenever the State Board of Health, or the president and secretary thereof, shall, by notice to the presiding officer of any city, village or town board of health, request him to convene such board to take certain definite proceedings upon matters concerning which the said State Board of Health, or its president and secretary, shall be satisfied that the action recommended by them is necessary for the public good, and is within the jurisdiction of such board of health. Any willful violation of any lawful instruction of said State Board of Health shall be a misdemeanor.

In relation to meetings.

2. To prescribe the powers and duties of the local health officer, who shall act as executive officer of the board; to direct him from time to time in the performance of his duties, and to fix the compensation he shall receive.

In relation to health officer.

3. To guard against the introduction of contagious and infectious disease, by the exercise of proper and vigilant medical inspection and control of all persons and things arriving in such city, village or town from infected places, or which, for any cause, are liable to communicate contagion; to require the isolation of all persons and things infected with or exposed to contagious or infectious diseases, and to provide suitable places for the reception of the same; and, if necessary, to furnish medical treatment and care for sick persons who cannot otherwise be provided for; to prohibit and prevent all intercourse and communication with or use of infected premises, places and things; and to require, and, if necessary, to provide the means for the thorough purification and cleansing of the same before general intercourse therewith, or use thereof, shall be allowed. And it shall be the duty of every such board of health to report to the State Board of Health promptly facts which relate to infectious and epidemic diseases, and every case of small-pox or varioloid occurring within its jurisdiction; and to provide at stated intervals a suitable supply of vaccine virus of a quality or from a source approved by the State Board of Health; and during the existence of an actual epidemic of small-pox, said local board of health shall obtain fresh supplies of said virus at intervals not exceeding one week, and shall at all times provide thorough and safe vaccination for all persons within its jurisdiction who may need the same.

In reference to contagious and infectious diseases.

To provide medical treatment for sick.

To regulate isolation of and intercourse with infected persons and places.

To report to State Board of Health.

To provide for public vaccination.

4. To receive and examine into the nature of complaints made by any of the inhabitants concerning nuisances, or causes of danger or injury to life and health within the limits of its jurisdiction; to enter upon or within any place or premises where nuisances or conditions dangerous to life and health are known or believed to exist, and by appointed members or persons to inspect and examine the same; and all owners, agents and occupants shall permit such sanitary examinations; and said board of health shall furnish said owners, agents and occupants a written statement of results or conclusions of such examinations; and every such Board of Health shall have power, and it shall be its duty, to order the suppression and removal of nuisances and conditions detrimental to life and health found to exist within the limits of its jurisdiction.

To receive complaints of inhabitants.

To enter upon premises and places for sanitary examination.

5. To supervise and make complete the registration of all births, marriages and deaths occurring within the limits of its jurisdiction in accordance with the methods and forms prescribed by the State Board of Health, and to secure the prompt forwarding of the certificates of birth, marriage and death to the State Bureau of Vital Statistics after local registration; and in so completing the said registration the cost thereof shall be a charge upon such city, village or town, and shall not exceed fifty cents for each completely verified and registered record of birth, marriage or death. And to secure the completeness of the said registration it shall be the duty of the parents or custodian of every child, and the groom at every marriage, or the clergyman or magistrate performing the ceremony, to secure the return of the record of such birth or marriage to the Board of Health or person designated by them within thirty days from the date of such birth or marriage, and each record shall be duly attested by the physician or midwife (if any) in attendance at such birth, or the clergyman or magistrate officiating at such marriage. And it shall be the duty of the health officer of every such Board of Health to receive and examine and secure the registration of all certificates and records of death and causes of death and findings of coroners' juries, and said Board of Health shall designate the persons who shall grant burial permits for the burial of the dead, and transit permits for the transportation of the dead bodies of persons which are to be carried for burial beyond the limits of the county where the death occurs; and it shall be the duty of the undertaker, sexton or other person having charge of the body of any dead person to procure a record of the death and its probable cause duly certified by the physician in attendance on the deceased during his last illness or by the coroner where an inquest is required by law; and there shall be no burial nor removal of the body of any dead person until said duly certified record shall have been presented to the Board of Health or person designated by them, and until thereupon a permit for burial or transit shall have been obtained. And the said Board of Health shall prescribe sanitary regulations for such burials and removals of the dead. It shall also be the duty of every such Board of Health to provide for obtaining copies of the said registered records of births, marriages and deaths, and for the amount and payment of fees for such copies. Such copies, duly attested by the local registering officer, and verified transcripts from the records preserved in the State Bureau of Vital Statistics shall be admitted in all the courts of this State as *prima facie* evidence

To supervise and complete the registration of vital statistics.

Cost per record not to exceed fifty cents.

Duty of parents or custodians grooms, clergymen, magistrates, physician and midwife.

Undertaker to procure record of death.

No burial or removal without permit.

Verified transcript of records *prima facie* evidence.

of the facts therein set forth. If in any place in this State, the State Board of Health ascertains that the said registration of births, marriages and deaths is not completely and well made, said State Board shall notify the local Board of Health in such place, that within one month from the date of such notice, said defects and neglect in the records must be amended and prevented. If at the expiration of the time mentioned the said defects and neglect are not overcome and prevented by the said local authorities, it shall be the duty of the said State Board of Health to take control of the said records, and enforce the rules and regulations with reference thereto, and secure their completeness and proper registration within the limit of cost hereinbefore specified, and to continue such control until the said local Board of Health shall satisfy the said State Board of Health that they will actually make the said records and registry complete as required by law. Any person neglecting or refusing to make out or file for registration any record as aforesaid, and any person causing, permitting or assisting in the burial or removal of any dead body, unaccompanied by a permit for such burial or removal, duly issued by the local Board of Health having jurisdiction where the death occurred, and any officer or board that shall neglect or refuse to register and preserve the said records and forward the certificates to the State Bureau of Vital Statistics as above required shall be deemed guilty of a misdemeanor and may be prosecuted in any court of competent jurisdiction.

State Board of Health shall take control to remedy neglects and enforce compliance for a time.

Neglect or refusal to make out or file a record, or the burial or removal of a dead body a misdemeanor.

6. To make, and from time to time to publish, in such manner as to secure early and full publicity thereto, all such orders and regulations as they shall think necessary and proper for the preservation of life and health and the successful operation of this law; and to make, without publication thereof, such orders and regulations in special or individual cases, not of general application, as they may see fit concerning the suppression and removal of nuisances, and concerning all other matters in their judgment detrimental to public health, and to serve copies thereof upon any occupant or occupants and the owner or owners of any premises whereon any such nuisances or other matters aforesaid shall exist, or to post the same in some conspicuous place on such premises.

Orders and regulations to be published.

7. To issue warrants to any constable or police of their respective cities, villages and towns, to apprehend and remove such persons as cannot otherwise be subjected to the orders and regulations by them adopted; and whenever it shall be necessary to do so, to issue their warrant to the sheriff of their respective counties to bring to their aid the power of the county; all which warrants shall be forthwith executed by the officers to whom they shall be directed, who shall possess the like powers and be subject to the like duties in the execution thereof, as if the same had been duly issued out of any court of record in this State.

Power to issue warrants.

8. To employ all such persons as shall be necessary to enable them to carry into effect the orders and regulations they shall have adopted and the powers vested in them by this act, and to fix their compensation.

Employment of agents.

9. To impose penalties for the violation of, or non-compliance with, their orders and regulations, and to maintain actions in any court of competent jurisdiction to collect such penalties, not exceeding one hundred dollars in any one case, or to restrain by injunctions such violations, or otherwise to enforce such orders and regulations.

Board of Health may impose penalties or restrain violations by injunctions.

§ 4. Every person who shall willfully violate or refuse to obey any order or regulation made and published by the Board of Health of any city, village or town in this State, or any order made and served, or posted as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to fine or imprisonment, or both, in the discretion of the court, such fine not to exceed one thousand dollars nor such imprisonment six months. And in any case of non-compliance with any order or regulation which shall have been served or posted, as provided in subdivision six of section three of this act, the said board or its servants or employees may lawfully enter upon any premises to which such order or regulation relates, and suppress or remove the nuisance or other matters in the judgment of said board detrimental to the public health mentioned in such order or regulation, and any other nuisance or matter of the description aforesaid found there existing; and the expense thereof shall be a charge upon the occupant or any or all of the occupants of said premises, or upon the person or persons who have caused or maintained the nuisance or other matter of the description aforesaid, and may be sued for and recovered with costs by said board in the name of such board in any court having jurisdiction. Whenever execution upon any judgment so obtained shall have been returned wholly or in part unsatisfied, said judgment, for the amount so unsatisfied, shall be a lien upon said premises, having preference over all other liens or incumbrances whatsoever. But in order to acquire such lien, such judgment, if in a court not of record, shall first have been docketed in the same place and manner as by law now required to make judgments in such courts liens upon real estate. And whenever any lien upon any premises shall have become fixed as aforesaid, the said board may cause the said premises to be sold at public auction, for a term of time, for the payment and satisfaction of such lien, and the expenses of such sale, giving notice of such sale for twelve weeks successively, once in each week, in one or more newspapers published in the city, incorporated village or town where the premises are situated, as the case may be; or if no newspaper be published in such village or town, then in the newspaper published nearest said premises, and also serving a copy of such notice of sale personally on the owner or agent of said premises, if known, and a resident of said city, village or town, at least fourteen days previous to such sale, or by depositing the same in the post-office, directed to such owner or agent at his place of residence if known, or the nearest post-office thereto, at least twenty-eight days previous to such sale. And the said premises shall be sold to the person who shall offer to take the same for the shortest time, paying the amount remaining unpaid upon such judgment, with interest, and the expenses of such notice and sale. A certificate of such sale, signed by the president and countersigned by the secretary of such board, shall thereupon be made and delivered to the purchaser, and may be recorded in like manner and with like effect as deeds of conveyance of lands, and thereupon the purchaser, his heirs or assigns, shall be entitled to the possession of said premises so sold as aforesaid, and if unoccupied may immediately enter, and if occupied may have remedy against any occupant by action or by summary proceedings as against a tenant holding over after expiration of his term; and in case the costs of such action or proceeding shall not be collected by such purchaser of the defendant therein, the same shall be a lien upon said premises, having the like preference as the lien aforesaid, and the term of the said purchaser shall be extended during

Violating orders of the Board a misdemeanor.

Penalty.

Power to enter upon premises and suppress nuisances.

Unsatisfied judgment a lien upon the premises.

Sale of premises at public auction.

Certificate of sale.

a time bearing the same proportion to the original term as the amount of such cost bears to the amount paid by such purchaser on such sale. And such term shall commence when such purchaser shall have acquired possession. At any time after such sale and within six months after the recording of such certificate as aforesaid, the owner or any lienor or incumbrancer of such premises, or of any part thereof, may redeem by paying to the purchaser the amount paid by him on such sale, and all costs and expenses he may have incurred in any action or proceeding as aforesaid, to obtain possession, with ten per cent interest thereon. If such redemption be made by the owner, the right of the purchaser shall be extinguished; and if by such lienor or incumbrancer, the amount paid by him to redeem shall be added to his lien or incumbrance, or if he have more than one, to the oldest, and shall thenceforth partake of the nature thereof and be collectible by any remedy adapted thereto.

Expenses of Boards of Health to be a town, village or city charge, how audited and paid.

§ 5. All expenses incurred by the several boards of health in the execution and performance of the duties imposed by this act shall be a charge only on their respective cities, villages and towns; and shall be audited, levied, collected and paid in the same manner as other city, village and town charges are audited, levied, collected and paid.

Persons sick of infectious disease may be removed from county poor-house.

§ 6. Whenever any pestilential, or infectious or contagious disease shall exist in any county poor-house in this State, or in the vicinity of any such county poor-house, and the physician of such county poor-house shall certify that such pestilence or disease is likely to endanger the health of the persons supported at such poor-house, the superintendent of such county poor-house shall have power to cause the persons supported at such poor-house, or any of them, to be removed to such other suitable place in the same county as shall be designated by the Board of Health of the city, town or village within which such poor-house shall be situated, there to be maintained and provided for at the expense of the county, with all necessary medical care and attendance, until they shall be safely returned to the county poor-house from which they were taken, or otherwise discharged.

Village Boards and villages not taxed to support town sanitary improvements, nor towns to support village Boards of Health and their work.

§ 7. Any legally organized Board of Health in an incorporated village, which comprises parts of several towns, or less than a whole town, shall have full authority in regard to all matters relating to public health within said village, and such village shall not be subject to the sanitary regulations or health officers of the township or towns within which such village is located; nor shall the taxable property of any such village, while maintaining its own Board of Health, be subject to taxation for maintaining any town Board or Boards of Health, or for any expenditures authorized by such town boards; but such expenditures of the town Boards of Health shall be assessed and collected exclusively on property in the town outside of said village. But nothing in this act shall be construed to prevent the boards of health of two or more towns adjacent to each other or of towns and villages therein situated from uniting in a combined sanitary and registration district by the appointment of one health officer and registering officer for such district, whose authority in all matters of general application shall be derived from the several Boards of Health having jurisdiction within such district; and in special cases, not of general application, arising within the jurisdiction of any such Board of Health the said officers shall derive their authority from such board alone. Such combined districts shall be formed subject to the approval of the State Board of Health.

Provision for combined sanitary and registration districts.

§ 8. Any duty prescribed or enjoined by this act upon any local Board of Health, or any member or officer thereof, or upon the common council of any city or any member thereof, or upon the board of trustees of any village or any member thereof, or upon any officer of any city, village or town may be enforced by a mandamus at the instance of the State Board of Health, its president, secretary or any member thereof. State Board may enforce duty upon local Boards by mandamus.

§ 9. Chapter one hundred and fifty-two of the laws of eighteen hundred and forty-seven, chapter three hundred and twenty four of the laws of eighteen hundred and fifty and the several acts amendatory thereof, chapter five hundred and twelve of the laws of eighteen hundred and eighty, except subdivision thirty-four of section one of said act, and all other acts or parts of acts, general or special, inconsistent with the provisions of this act are hereby repealed.

NATIONAL LIBRARY OF MEDICINE
Health, Education, and Welfare, Public Health Service
U.S. Department of Bethesda, Md.

Gaylord
SPEEDY BINDER
Syracuse, N. Y.
Stockton, Calif.

WA N567ab 1885

0021143

NLM 05130700 3

NATIONAL LIBRARY OF MEDICINE